

# RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Env-A 4300
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<p>1. Agency Name &amp; Address:</p>  <p>Department of Environmental Services  29 Hazen Drive  P.O. Box 95  Concord, NH 03302-0095</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">2. RSA Authority:</td> <td style="border-bottom: 1px solid black; text-align: center;">RSA 125-C:4</td> </tr> <tr> <td>3. Federal Authority:</td> <td style="border-bottom: 1px solid black; text-align: center;">42 U.S.C. §7429; 40 CFR 60, Subpart FFFF</td> </tr> <tr> <td>4. Type of Action:</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Adoption</td> <td style="text-align: center; border-bottom: 1px solid black;"><b>X</b></td> </tr> <tr> <td style="padding-left: 20px;">Amendment</td> <td style="text-align: center; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="padding-left: 20px;">Repeal</td> <td style="text-align: center; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="padding-left: 20px;">Readoption</td> <td style="text-align: center; border-bottom: 1px solid black;"></td> </tr> <tr> <td style="padding-left: 20px;">Readoption w/amendment</td> <td style="text-align: center; border-bottom: 1px solid black;"></td> </tr> </table>	2. RSA Authority:	RSA 125-C:4	3. Federal Authority:	42 U.S.C. §7429; 40 CFR 60, Subpart FFFF	4. Type of Action:		Adoption	<b>X</b>	Amendment		Repeal		Readoption		Readoption w/amendment	
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5. Short Title:      Other Solid Waste Incineration (OSWI)

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6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Env-A 4300 is being proposed to state-enforceable establish emission standards for Other Solid Waste Incinerators (OSWI), as required by U.S. EPA under the provisions of the Clean Air Act. The rules will establish emission limits for the following pollutants: particulate matter, carbon monoxide, sulfur dioxide, nitrogen oxides, lead, dioxins/furans, hydrogen chloride, cadmium, and mercury for small solid waste incinerators that are not yet covered by existing rules. In addition to establishing emissions limits, the rules will establish requirements for operator training, performance and compliance testing, monitoring, and recordkeeping and reporting. The proposed rules will essentially extend the requirements of Env-A 3300, Municipal Waste Incinerators (MWI), to smaller facilities which have previously been exempt due to their relatively small size.

6. (b) Brief description of the groups affected:

The proposed rules will impact five communities or districts: Candia, Hebron-Bridgewater Refuse District, Litchfield, Ossipee and Wilton. These towns/districts will have to upgrade their waste-management facilities or close them and find alternative methods of disposal.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State or Federal Statute or Federal Regulation Implemented
Env-A 4300	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR part 60, subpart FFFF
Env-A 4301	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR §§ 60.2980 and 60.2981
Env-A 4302	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR §§ 60.2991 - 60.2994
Env-A 4303.01	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR §§ 60.3022 - 60.3024; table 2 to 40 CFR part 60, subpart FFFF
Env-A 4303.02	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR § 60.3025
Env-A 4304.01	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); table 3 to 40 CFR part 60, subpart FFFF
Env-A 4304.02	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); table 3 to 40 CFR part 60, subpart FFFF
Env-A 4305.01	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR §§ 60.3014 - 60.3018
Env-A 4306.01	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR §§ 60.3010 - 60.3012
Env-A 4307.01	RSA 125-C:6,XI.; 42 U.S.C. §7429(b); 40 CFR §§ 60.3027 - 60.3044
Env-A 4308.01	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR § 60.3019
Env-A 4309.01	RSA 125-C:4,I.(a); 42 U.S.C. §7429(b); 40 CFR § 60.3000 and 60.3001; table 1 to 40 CFR part 60, subpart FFFF

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

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Name: Brian L. Jennison Title: Planning Specialist, Technical Services Bureau

Address: Department of Environmental Services Phone #: (603)-271-0536  
29 Hazen Drive Fax#: (603)-271-1381  
P.O. Box 95 E-mail: bjennison@des.state.nh.us  
Concord, NH 03302-0095

The rules also can be viewed in PDF at TTY/TDD Access: Relay NH 1-800-735-2964 or dial  
<http://www.des.nh.gov/Rulemaking/> 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, November 3, 2006 at 4:00 p.m.**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, October 24, 2006 at 3:00 p.m.**

Place: **Rm 213, 2<sup>nd</sup> floor, DES Offices, 29 Hazen Drive, Concord, NH 03302**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 06:156 , dated 9-8-06

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not have any costs, as facilities will have to meet the standards reflected in these rules under federal law (42 U.S.C. §7429; 40 CFR 60, Subpart FFFF) regardless of whether New Hampshire adopts them. Thus, the rules do not impose any new, expanded or modified costs on political subdivisions of the state and so do not violate Part I, Article 28-a of the New Hampshire Constitution.